

DATE

President Jay Clune
Nicholls State University
P.O. Box 2001
Thibodaux, Louisiana 70310

Re: **Louisiana Board of Ethics**
Docket No. 2021-1018

Dear President Clune,

The Louisiana Board of Ethics, at its meeting on February 4, 2022, considered your request for the approval of a disqualification plan under the provisions of the Code of Governmental Ethics ("Code") concerning two employees of Nicholls State University ("University").

FACTS PROVIDED

In July of 2021, Robert Podeyn was hired as the Head Women's Soccer Coach in the University's Athletic Department. In of September 2021, Robert's wife, Sondra Podeyn, was hired by the University as an Associate Women's Soccer Coach.

DISQUALIFICATION PLAN

The University proposes that Robert Podeyn will be disqualified from participating in any employment decisions concerning Sondra Podeyn, including performance evaluations, approval of timesheets, and any other transactions in which Sondra Podeyn may have a substantial economic interest. Andrew Kearney, Executive Associate Athletic Director for Internal Affairs has been designated to handle all employment issues concerning Sondra Podeyn.

LAW

Generally, La. R.S. 42:1119 prohibits an immediate family member of an agency head from being employed in his agency.

However, La. R.S. 42:1119(I) provides that nothing in this Section shall prohibit the employment of an immediate family member of a coach of an athletic program at a public higher education institution on the staff of that program nor shall the provisions of this Section be construed to hinder, alter, or in any way affect normal promotional advancements for such an immediate family member.

La. R.S. 42:1112B(1) provides that no public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, his immediate family member has a substantial economic interest.

La. R.S. 42:1112C allows a disqualification plan to be developed in accordance with rules adopted by the Board to remove a public servant from participating in transactions that would otherwise present violations of Section 1112 of the Code.

CONCLUSION

The Board concluded, and instructed me to inform you, that Section 1119(I) allows Sondra Podeyn to be employed as an Associate Women's Soccer Coach, while her husband Robert Podeyn is employed as the Head Women's Soccer Coach. Further, the Board concluded that the proposed disqualification plan meets the requirements of Chapter 14 of the Title 52 of the Louisiana Administrative Code - Rules of the Board of Ethics.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. Please note that the Board issues no opinion as to past conduct and that the Board's expressed opinion is limited to an examination of the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions in the gaming laws.

If you have any questions, please contact me at (800)842-6630 or (225)219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

David M. Bordelon
For the Board